

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 11364 of 2005

Dt:05.09.2005

Between:

M/s.Kaveri Seed Company Private Ltd.

.. Petitioner

and

The Govt. of A.P. and others

.. Respondents

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 11364 of 2005

ORDER:

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This writ petition is filed seeking a declaration that the action of the respondents in demanding and collecting market fee on the sale and purchase of 'Seed' under the Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966, as illegal and without jurisdiction and for a consequential direction prohibiting the respondents for levying and collecting market fee on certified as well as truthfully labeled seeds for sowing purpose from the petitioner.

When the matter is taken up for consideration, it is represented by the learned counsel for the petitioner as well as the learned Government Pleader, appearing on behalf of the respondents that the issue involved in this writ petition is squarely covered by a decision of this Court in W.P.No.13527 of 2004 and Batch dated 08.02.2005, wherein, it was held as under:

For the foregoing reasons, the writ petitions are ordered, with the following directions:

- a. Seeds developed and manufactured by the petitioners and sold as certified or labeled seeds, are not subject to levy of market fee, and the demand notices issued therefor are set aside.
- b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, and are not subject to levy of market fee.
- c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufactures, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees, shall be entitled to require the Seed Manufactures, operating within the notified area, to furnish the relevant particulars and take consequential steps.

Hence, the writ petition is disposed of in terms of the above said order, dated 08.02.2005, in W.P.No.13527 of 2004 and Batch. There shall be no order as to costs.

05.09.2005

Note: Issue C.C. in three days

(B/o)

kdl